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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/919,538	07/31/2001	James Joseph Babka	021556.0124	4376

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EXAMINER	
NGUYEN, VAN H	

ART UNIT	PAPER NUMBER
2194	

DATE MAILED: 07/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/919,538	BABKA ET AL.	
	Examiner	Art Unit	
	VAN H. NGUYEN	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *9/14/04*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-19 are presented for examination.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-6, 8, 10-11, 14-15, and 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Grooters** (U.S. 6,389,487).

4. As to claim 1, Grooters teaches the invention substantially as claimed including a video network platform for managing a plurality of video network devices (fig.3 and the associated text) for facilitating video conference calls, the video network platform comprising:

- a network interface module operable to interface with the plurality of video network devices and to represent at least one of the plurality of video network devices as an interface object (see fig.3 and col.,4, line 56-67);

- one or more management applications operable to manage a video network device represented as an application object (col.2, lines 4-10 and col.5, lines 24-30); and

- an adapter engine associated with the network interface module (col. 3, lines 34-59 and figs. 3-4).

Grooters does teach the adapter engine, but does not specifically teach the adapter engine operable to create an application object for a network video device, the application object corresponding to the interface object for the device.

Grooters, however, discloses "an adapter operatively coupled to the video device for providing access to the video device to one or more applications executable by the information handling system" (col.1, lines 53-59).

In view of Grooters' teachings, it would have been obvious to one of ordinary skill in the art at the time of the invention to have included "the adapter engine operable to create an application object for a device, the application object corresponding to the interface object for the device" because this will allow multiple applications to simultaneously share and control a single video device.

5. As to claim 2, Grooters teaches an override interface object associated with the network interface, the override object operable to accept a request for an interface object and to direct the request to an application object corresponding to the interface object (fig.6 and the associated text).

6. As to claim 3, Grooters teaches a discovery engine associated with the network interface, the discovery engine operable to detect each of the plurality of video network devices and initiate creation of an object to represent each detected video network device (col.6, lines 8-18).

7. As to claim 4, Grooters teaches the discovery engine initiates creation of an application object by the adapter engine, the adapter engine further operable to initiate creation of a corresponding interface object by the network interface (col.1 lines 51-59).

8. As to claim 5, Grooters teaches the adapter engine incorporates attributes of the interface

object into the corresponding application object (fig.4 and associated text).

9. As to claim 6, Grooters teaches the interface object comprises a managed object (col.5 lines 32-51).

10. As to claim 8, Grooters teaches a scheduling application (fig.7 and associated text).

11. As to claim 10, Grooters teaches a monitoring application (col.5, lines 32-50).

12. As to claim 11, the rejection of claim 1 above is incorporated herein in full. Additionally, Grooters further teaches detecting a video network device interfaced with the video network (col.6, lines 8-33); forwarding the interface information to the application object (fig.7 and associated text); and populating the application object with video network device information (col.1, lines 50-59 and col.7, lines 13-30).

13. As to claim 14, Grooters teaches interfacing a management application with a video network device through the application object corresponding with the device (col.6, lines 8-33).

14. As to claims 15 and 17, note the rejections of claims 8 and 10 above.

15. As to claim 18, Grooters teaches applying dynamic attribute query capabilities to populate a corresponding interface object (col.7, lines 13-30).

16. As to claim 19, note the discussion of claim 1 above for "creating an interface object that corresponds to the application object."

17. Claims 7, 9, 12, 13, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Grooters** in view of **Golden et al.** (U.S. 6,272,127).

18. As to claim 7, Grooters does not explicitly teach a Management Bean.

Golden teaches a Management Bean (col.7, lines 30-34).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Golden and Grooters because Golden's teaching would have provided the capability for adding a number of Java features, such as reuseable, platform-independent components to Grooters's system, and making Grooters's system well suited for the World Wide Web environment.

19. As to claim 9, Grooters does not explicitly teach a diagnostics application.

Golden teaches a diagnostics application (col.16, lines 5-16).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Golden and Grooters because Golden's teaching would have provided the capability for diagnosing problems of the video devices. Therefore, facilitating the controlling of the video devices in the system.

20. As to claim 12, note the discussion of claim 7 above for rejection.

21. As to claim 13, Grooters does not explicitly teach a Web NMS Managed Object.

Golden teaches a Web NMS Managed Object (col.40, lines 3-13).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Golden and Grooters because Golden's teaching would have provided the capability for managing the video devices in the Web environment.

22. As to claim 16, note the discussion of claim 9 above for rejection.

Response to Arguments

23. Applicant's arguments filed September 14, 2004 have been fully considered but they are not persuasive.

24. In the remarks, Applicant argued in substance that (a) Grooters is not analogous to the video network and video network devices used for facilitating video conference calls; and (b) These portion of Grooters do not disclose, teach or suggest managing a video network device as an application object.

25. Examiner respectfully traverses Applicant's remarks.

(i) As to point (a), Applicant is arguing the disclosure, not claim limitations. Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art. See In re Self, 213 USPQ 1,5 (CCPA 1982); In re Priest, 199 USPQ 11, 15 (CCPA 1978). The Examiner has a *duty* and *responsibility* to the public and to Applicant to interpret the claims *as broadly as reasonably possible* during prosecution (see *In re Prater, 56 CCPA 1381, 415 F.2d 1393, 162 USPQ 541 (1969)*). The limitation "video conference calls" was not previously claimed. It is noted that, the newly added "video conference calls" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the

process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

(ii) As to point (b), Grooters' teachings in col.2, lines 4-10 and col.5, lines 24-30 meet the limitation as broadly claimed by Applicant. The scope of the claimed "an application object" clearly transcends the more narrow scope that Applicant attempts to impute through argument. Claimed subject matter, not the specification is the measure of the invention. Limitations in the specification cannot be read into the claims for the purpose of avoiding the prior art, In re Self, 213 USPQ 1 (CCPA 1982), In re Priest, 199 USPQ 11 (1978). The recited "an application object" is clearly subject to a broad interpretation as detailed in the rejections maintained above. The Examiner has a duty and responsibility to the public and to Applicant to interpret the claims as broadly as reasonably possible during prosecution. In re Prater, 415 F.2d 1 393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

During patent examination, the pending claims must be "given their broadest reasonable interpretation consistent with the specification." In re Hyatt 21 1 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See also In re Zletz, 893 F.2d 319, 321-22, 13 USPQ2d 1320, 1322 (1989) "During patent examination the pending claims must be interpreted as broadly as their terms reasonably

allow.... The reason is simply that during patent prosecution when claims can be amended, ambiguities should be recognized, scope and breadth of language explored, and clarification imposed.... An essential purpose of patent examination is to fashion claims that are precise, clear, correct, and unambiguous. Only in this way can uncertainties of claim scope be removed, as much as possible, during the administrative process."

In considering "an application object", it is noted that Applicant uses terminology that has broad meaning in the art, and thus requires a broad interpretation of the claims in determining patentability of the disclosed invention. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. In re Van Geuns, 988 F.2d 1 181, 26 USPQ2d 1057 (Fed. Cir. 1993). Applicant should set forth claims in language that clearly, distinctly, unambiguously and uniquely define the invention. The fact that Applicant has not narrowed the definition/scope of the current claims implies that Applicant intends an extensive coverage breadth of the claims, which is clearly met by the cited prior art.

26. Accordingly, the combination of Grooters and Golden meets the limitations as broadly claimed by Applicant.

Conclusion

27. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

28. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

29. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Meng-Ai An can be reached on (571) 272-3756.

The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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